IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

CRP.No. 2634 of 2001(E)

AGAINST THE ORDER DATED 06/04/2001 IN EP. 223 /1996 IN LAR.115/1989 of SUB COURT, CHERTHALA

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REVN. PETITIONER:

STATE OF KERALA

BY ADV. SRI. SHYSON P. MANGUZHA,GOVT. PLEADER

RESPONDENTS:

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1. K. THANKAMMA,
   ARRON MURI, AROOR P.O.

2. KARUNAKARAN PILLAI,
   ASAMPARAMBIL, AROOR P.O.

BY ADV. SRI.T.H.ABDUL AZEEZ
SMT.M.ISHA

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 25/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRP No.2634 of 2001

ORDER ON CMP NO.5582 OF 2001 AND 1938 OF 2002 IN CRP NO.2634 OF 2001

DISMISSED

25.06.2007 SD/- PIUS C. KURIAKOSE, JUDGE.

PIUS C. KURIAKOSE, J.

C.R.P. No. 2634 OF 2001

Dated this the 25th day of June, 2007

O R D E R

There is no resistance to the request of the learned Government Pleader that the impugned order wants reconsideration at the hands of the learned Subordinate Judge in the light of the principles laid down by the Constitution Bench in **Sunder v. Union of India** [2001 (3) KLT 489] and on the subsequent judgment of the Supreme Court in **Gurpreet Singh v. Union of India** [(2006) 8 SCC 457]. Accordingly, I set aside the impugned order and direct the execution court to take a fresh decision on the issue after giving due regard to the principles laid down in **Sunder**'s case and the subsequent decision in **Gurpreet Singh**'s case.

The Civil Revision Petition is allowed as above. No costs.

PIUS C. KURIAKOSE, JUDGE

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